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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,150	12/08/1999	DENNIS MICHAEL CARNEY	BO9-99-009	7356

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EXAMINER

EBRAHIMI DEHKORDY, SAEID

ART UNIT PAPER NUMBER

2626

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/457,150

**Applicant(s)**

CARNEY ET AL.

**Examiner**

Saeid Ebrahimi-dehKordy

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Response to Amendment**

1. Applicant's arguments with respect to claim 1-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3,10,12,19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Barry et al (U.S. patent 6,606,165)

Regarding claim 1,10 and 19 Barry et al disclose: A method for reconfiguring multiple logical printers from using a first monitor program to using a second monitor program to communicate with one physical printer (please note Fig.15 items 420,426 and 408 where the virtual or logical printers are routed through the physical print engine to the printers 408, column 20 lines 56-67 and column 21 lines 1-29) wherein the monitor programs submit print jobs directed to a logical printer to one associated physical printer over a network (please note column 21 lines 1-29) wherein at least one physical printer is capable of being associated with each logical printer (please note Fig.12 items 362 and 366 "logical or virtual printers" are connected to the on or more physical printers 364-368, column 14 lines 66-67) and column 15 lines 1-33)

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comprising: determining a plurality of logical printers (please note Fig.15 items 420, column 20 lines 17-21). determining whether each physical printer associated with each of the plurality of logical printers is of a particular class (please note column 10 lines 46-55 where the print engines 16 are grouped into physical engines of "similar characteristics" or "class") indicating in a data structure each logical printer associated with one physical printer of the particular class (please note Fig.12 column 14 lines 14-30) and reconfiguring each of the plurality of logical printers indicated in the data structure to use the second monitor program to submit print jobs to one physical printer of the particular class (please note column 17 lines 60-67 and column 18 lines 1-7).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2,4-9,11,13-18,20 and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (U.S. Patent 6,606,165) in view of Stollfus et al (U.S. patent 6,321,258)

Regarding claim 2,11 and 20 Barry et al do not quite teach: The method of claim 1, further comprising determining a network address of each physical printer, wherein determining whether each physical printer is of a particular class comprises using the determined network address of each physical printer to request information from the physical printer over the network, wherein the requested information indicates whether

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the physical printer is a member of the particular class. On the other hand Stollfus et al disclose: The method of claim 1, further comprising determining a network address of each physical printer (please note column 8 lines 37-39) wherein determining whether each physical printer is of a particular class comprises using the determined network address of each physical printer to request information from the physical printer over the network (please note column 8 lines 38-41) wherein the requested information indicates whether the physical printer is a member of the particular class (please note column 8 lines 37-45). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Barry et al's invention according to the teaching of Stollfus et al, where Stollfus et al in the same filed of endeavor teach the way the plurality of printer could be called to respond to the request send by the network to identify themselves for the purpose of being able to sent print job to the specific printer class or model.

Regarding claim 3,12 and 21 Barry et al disclose: The method of claim 1, wherein a port object provides an interface to a physical printer, wherein each logical printer is associated with one port object to interface with an physical printer, wherein the port monitor is associated with the port object and wherein reconfiguring each of the plurality of logical printers to use Lie second monitor program comprises setting the logical printer to use one port object associated with the second port monitor to submit print jobs (please note column 21 lines 4-14).

Regarding claim 4,13 and 22 Stollfus et al disclose: The method of claim 3, farther comprising determining a network address of each physical printer by processing

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a name of one port object associated with the first monitor program providing the connection between the physical printer and associated logical printer wherein determining whether each physical printer is of a particular class comprises using the determined network address of each physical printer to request information from the physical printer over the network wherein the requested information indicates whether the physical printer is a member of the particular class (please note column 8 lines 37-44).

Regarding claim 5,14 and 23 Barry et al disclose: The method of claim 3, further comprising: determining for each logical printer each port object associated with the logical printer (please note column 21 lines 4-14) and wherein determining whether each physical printer is of a particular class comprises determining whether each physical printer associated with each determined port object is of the particular class (please note column 10 lines 46-55 where the print engines 16 are grouped into physical engines of "similar characteristics" or "class").

Regarding claim 6,15 and 24 Barry et al disclose: The method of claim 3, wherein reconfiguring the plurality of logical printers comprises: creating a new port associated with the second monitor program for each logical printer; and reconfiguring each of the logical printers indicated in the data structure to use the new port for printing (please note column 21 lines 4-14).

Regarding claim 7,16 and 25 Barry et al disclose: The method of claim 6, further comprising indicating in the data structure for each logical printer, the new port using the second monitor program, wherein the data structure is processed to determine the new

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port to assign to each logical printer (please note column 5 lines 47-67 and column 6 lines 1-11).

Regarding claim 8,17 and 26 Barry et al disclose: The method of claim 7, wherein a separate thread is initiated to perform the operations of setting the logical printers to use the new ports as indicated in the data structure (please note column 21 lines 4-14).

Regarding claim 9,18 and 27 Barry et al disclose: The method of claim 6, further comprising; determining ports associated with each logical printer that are replaced by the new port; and deleting, for each logical printer all the determined ports (please note column 21 lines 4-14 and also note column 5 lines 47-67 and column 6 lines 1-11).

### **Contact Information**

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (703) 306-3487.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (703) 305-4863.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, or (703) 308-9052 (for **formal** communications; please mark

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**"EXPEDITED PROCEDURE")**


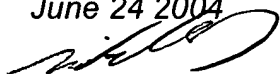
**Or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
"PROPOSED" or "DRAFT")

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy  
Patent Examiner  
Group Art Unit 2626  
June 24 2004



**KIMBERLY WILLIAMS**  
**SUPERVISORY PATENT EXAMINER**